

REMARKS

In view of the following Remarks, the Examiner is requested to withdraw the rejection and allow Claims 1-8, 13, 17, and 27, the only claims pending and currently under examination in this application.

FORMAL MATTERS:

The amendments filed in the Response dated June 9, 2009 were entered in the Advisory Action dated June 18, 2009.

Claim 1 is amended herein to incorporate elements into the body of the claim that were previously recited in the preamble. Support for this amendment may be found throughout the specification, at for example p. 4, l. 23-31.

No new matter is added. As such, the Examiner is requested to enter the above amendments.

REJECTIONS UNDER §112, ¶1

The Examiner has maintained this rejection in the Advisory Action because the body of claim 1 allegedly fails to require that the claimed variants have fluorescent activity.

The Applicants have amended claim 1 to recite "(a) a nucleic acid that encodes a fluorescent protein comprising the amino acid sequence as shown in SEQ ID NOs: 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, or 28; and (b) a nucleic acid that encodes a fluorescent protein that has at least about 80% sequence identity to the amino acid sequence of (a) above." Thus, the body of claim 1 now requires that the claimed variants have fluorescent activity.

In view of this amendment, reconsideration and withdrawal of the rejection is requested.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number EURE-005.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS
LLP

Date: July 2, 2009

By: /Elizabeth A. Alcamo, Reg. No. 64,133/
Elizabeth A. Alcamo
Registration No. 64,133

Date: July 2, 2009

By: /Bret E. Field, Reg. No. 37,620/
Bret E. Field
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231